

### **REMARKS**

The undersigned acknowledges and appreciates the Examiner's comments made during a telephone interview held on April 22, 2003 with the undersigned. During the interview reference was made to the enclosed drawings prepared by the undersigned and forwarded to the Examiner for the purpose of the interview. The drawings were used by the undersigned to better illustrate differences between claims 1 and 10 and to illustrate that claim 10 is broader than claim 1. Specifically, the undersigned advised the Examiner that claim 1 recited the structural limitation of "a friction fit formed between the side walls and the fluid conduit", whereas claim 10 recites a "fluid conduit having an exterior surface in opposing relationship with the curved lower wall and the side walls of the channel". Support for the amendment to claim 10 is found with reference to Fig. 11A and to Col. 6, lines 20-40 of the reissue application. Specifically, this portion of the text states that an adhesive supplied between the tube and the aluminum base member be of a sufficient quantity to remove any air gaps between the tube and the base member. In other words, the tube and base member channel are dimensioned to create air gaps therebetween and, hence, there is no friction fit.

Turning now to the Office Action, the Examiner rejected claims 1-16 and 19-32 (all claims now pending), under 35 U.S.C. § 251 and 37 C.F.R. § 1.175, as being based upon a defective reissue declaration. Specifically, the Examiner objected to the declaration as filed for an alleged failure to identify at least one error which is relied upon to support the reissue application. By this Amendment, claims 19-32 have been cancelled. Enclosed with the April 24, 2003 Amendment is a new reissue declaration which specifically identifies an error in the original claims herein, namely, the non-existence of the "friction fit" element in claim 10. Thus,

the new declaration specifically identifies the language of the claims which renders the patent wholly or partially inoperative by virtue of the patentee claiming less than he was entitled to claim in the patent, as required by 35 U.S.C. § 251. Withdrawal of this ground of rejection is therefore respectfully solicited.

The Examiner went on to reject claims 10-16 under 35 U.S.C. § 101 for double patenting, as being allegedly substantially identical to claims 1-6. By this amendment, applicant has amended claim 10 to more clearly point out the distinctions between claims 1 and 10, which have already been discussed above. Claim 10 has also been amended to remove functional language to which the Examiner objected.

Accordingly, withdrawal of this rejection is respectfully requested. Early and favorable consideration and allowance of claims 1-16 are respectfully solicited.

In accordance with 37 C.F.R. Sec. 1.173(c) a separate sheet is enclosed indicating the status of the claims and support for the claim amendments.

It is believed that no fees or charges are required at this time in connection with the present application; however, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,  
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### AMENDMENTS TO CLAIMS SHOWING CHANGES

10. (Amended) A heat sink for cooling a heat generating component in contact therewith, comprising:

a heat sink base member having an open ended channel formed in a first surface thereof, said open ended channel including a curved lower wall and a pair of side walls, each side wall having a first end continuous with said curved lower wall and a second end terminating at said first surface, said side walls being tapered inwardly from said first ends to said second ends, the second ends of said side walls having a span less than a span across a lower portion of said channel; and

a tubular fluid conduit constructed of a thermally conducting material and disposed in said channel, said fluid conduit [having a starting diameter larger than the depth of the channel and being disposed in said channel by being deformed using the channel as a mold, wherein following deformation the portion of said fluid conduit formerly disposed above said channel has] having an exterior surface in opposing relationship with the curved lower wall and the side walls of the channel, and also having a flattened upper surface which is substantially coplanar with said first surface of said heat sink base member whereby the heat generating component may be disposed in direct contact with said first surface of said heat sink base member and with said flattened surface of said conduit for establishing direct thermal contact between said heat generating component and said flattened surface.

### **STATUS OF CLAIMS AND SUPPORT FOR CLAIM CHANGES**

Claims 1-9 are pending and had issued in the parent patent No. 5,829,51.

Claim 10 has been amended and claims 11-16 depend from claim 10. Claims 10-16 have been added in the reissue application.

Support for the amendments to claim 10 are found in Fig. 11A and in the text in Col. 6 lines 20-40 which state that an adhesive supplied between the tube and the aluminum base member be of a sufficient quantity to remove any air gaps between the tube and the base member.